

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

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T.D. 74-193 through 74-198

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Tariff Commission Notices

DEPARTMENT OF THE TREASURY
U.S. Customs Service

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NOTICE

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U.S. Customs Service

(T.D. 74-193)

Instruments of international traffic

Certain holders of paper designated as instruments of international traffic

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 9, 1974.

It has been established to the satisfaction of the U.S. Customs Service that iron cores of United States manufacture designed to hold paper, measuring between 15 and 40 inches in length, are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic for the transportation of coated publication grade paper.

Under the authority of section 10.41a(a)(1), Customs Regulations, I hereby designate the above-described iron cores as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These iron cores may be released under the procedures provided for in section 10.41a, Customs Regulations.

(BOR-7-07)

VERNON D. ACREE,
Commissioner of Customs.

[Published in the Federal Register July 16, 1974 (39 FR 26046)]

(T.D. 74-194)

Vessels in foreign and domestic trades—Customs Regulations amended

Section 4.98, Customs Regulations, amended to provide additional information relative to the collection of a navigation fee payable when a vessel files a post entry

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

On March 28, 1974, a notice of proposed rulemaking was published in the Federal Register (39 FR 11429), which proposed to amend section 4.98 of the Customs Regulations (19 CFR 4.98) to set forth additional information concerning the collection of navigation fee number 5, which is collected whenever an American or foreign vessel is required to file a post entry covering merchandise or baggage which was not included in or did not agree with the manifest.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposal. No comments were received in response to the notice of proposed rulemaking.

Accordingly, section 4.98 of the Customs Regulations (19 CFR 4.98) is amended as set forth below.

Effective date. This amendment shall become effective 30 days after publication in the Federal Register.

(ADM-9-03)

VERNON D. ACREE,
Commissioner of Customs.

Approved July 9, 1974:

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[Published in the Federal Register July 17, 1974 (39 FR 26153)]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.98 is amended by adding a new paragraph (e-1) between paragraphs (e) and (f) to read as follows:

4.98 Navigation fees.

* * * * *

(e-1) Fee 5 shall be collected from a foreign or American vessel at each port where the vessel is required to file a post entry in accordance with the provisions of section 4.12(a)(3). An original post entry may be supplemented by additional post entries in instances where items were omitted from the original post entry. A separate fee shall be collected for each supplemental post entry made to the original post entry.

* * * * *

(R.S. 251, as amended, R.S. 2654, as amended, R.S. 4382, as amended, secs. 440, 624, 46 Stat. 712, as amended, 759, sec. 501, 65 Stat. 290; 5 U.S.C. 301, 19 U.S.C. 58, 66, 1440, 1624, 31 U.S.C. 483a, 46 U.S.C. 330)

(T.D. 74-195)

Instruments of international traffic

Certain stands or cases designed to transport aircraft engines or parts designated as instruments of international traffic

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 11, 1974.

Under the authority of section 10.41a, Customs Regulations (19 C.F.R. 10.41a), steel aircraft engine stands were designated instruments of international traffic by Treasury Decision 66-213, dated October 5, 1966.

It has been established to the satisfaction of the U.S. Customs Service that stands or cases composed of steel, wood, or steel mesh fiberglass coated, used by Rolls-Royce, Limited, for the transportation of parts of an aircraft engine, are substantial, suitable for and capable of repeated use, and used in significant numbers in international traffic.

Therefore, Treasury Decision 66-213 is amended to designate the above-described stands or cases as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)). These stands or cases may be released under the procedures provided for in section 10.41a, Customs Regulations.

(BOR-7-07)

VERNON D. ACREE,
Commissioner of Customs.

[Published in the Federal Register July 18, 1974 (39 FR 26300)]

(T.D. 74-196)

Classification of shoes with rubber soles

Decision in C.A.D. 1112 (decided December 20, 1973), by the Court of Customs and Patent Appeals classifying shoes with uppers of vegetable fibers and rubber soles with a filler of iron powder under item 700.70, Tariff Schedules of the United States, limited. T.D. 74-99 modified

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 12, 1974.

The Court of Customs and Patent Appeals in *International Seaway Trading Corp. v. United States*, C.A.D. 1112, reversed a Customs

Court decision (C.D. 4375 (1972)) overruling importer's protest against the classification of imported basketball shoes under item 700.60, Tariff Schedules of the United States (TSUS), as footwear (whether or not described elsewhere in this subpart) which is over 50 percent by weight of rubber or plastics. In issue was the proper interpretation of Headnote 2, Part 4, Schedule 4, of TSUS, which defines "rubber".

The United States Customs Service has uniformly interpreted the headnote in issue as distinguishing crude natural and synthetic rubber from plastics as a basic component material, and has further interpreted that headnote in such a manner as to effectuate the intent of the Congress to apply its terms to both crude rubber substances and products made from such substances which have had fillers, extenders, pigments, or other rubber-processing chemicals combined therewith. To do so, and to prevent rubber products, which are recognized as such in trade and commerce, from being excluded from classification as articles of rubber, requires the cross-linking and stretch tests set forth in the headnote to apply only to the crude substances. The Customs Service believes that additional technical trade evidence and evidence of legislative intent is available to support this interpretation, and that additional arguments may be raised in support of the assigned classification.

Accordingly, the decision in C.A.D. 1112 is limited to the merchandise covered by the entries there in issue. T.D. 74-99 is modified accordingly.

(455.44)

VERNON D. ACREE,
Commissioner of Customs.

(T.D. 74-197)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products in all 64 categories manufactured or produced in Haiti

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 15, 1974.

There is published below the directive of July 3, 1974, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on

entry into the United States of cotton textiles and cotton textile products in all 64 categories manufactured or produced in Haiti. This directive cancels and supersedes the directives of September 28 and December 5, 1973, and May 31, 1974. (T.Ds. 73-291, 74-2, and 74-170).

This directive was published in the Federal Register on July 9, 1974 (39 FR 25246), by the Committee.

(QUO-2-1)

R. N. MARRA,
Director,
Duty Assessment Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

July 3, 1974.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive cancels and supersedes the directives issued to you on September 28, 1973, December 5, 1973 and May 31, 1974 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textiles and cotton textile products produced or manufactured in Haiti.

Pursuant to paragraph 13 of the Bilateral Cotton Textile Agreement of November 3, 1971 between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective as soon as possible and for the period extending through September 30, 1974, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, in excess of 5,705,438 square yards equivalent.¹

Cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Haiti, and which have been exported to the United States prior to October 1, 1973 shall not be subject to this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent

¹ This level has not been adjusted to reflect any entries made on or after October 1, 1973.

square yards was published in the Federal Register on January 25, 1974 (39 F.R. 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton textiles and cotton textile products exported from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance*

(T.D. 74-198)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textile products in category 49 manufactured or produced in Malaysia

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., July 16, 1974.

There is published below directive of July 3, 1974, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, regarding level of restraint for cotton textile products in category 49 manufactured or produced in Malaysia. This directive further amends but does not cancel that Committee's directive of August 24, 1973 (T.D. 73-254).

This directive was published in the Federal Register on July 8, 1974 (39 FR 24948), by the Committee.

(QUO-2-1)

R. N. MARRA,
*Director,
Duty Assessment Division.*

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20220

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

July 3, 1974.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

On August 24, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning September 1, 1973 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Malaysia in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Pursuant to paragraphs 5 and 8 of the Bilateral Cotton Textile Agreement of September 15, 1970, between the Governments of the United States and Malaysia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of August 24, 1973 for cotton textile products in Category 49 to 19,060 dozen.²

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of September 15, 1970 between the Governments of the United States and Malaysia which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

² This level has not been adjusted to reflect any entries made on and after September 1, 1973.

Decisions of the United States Court of Customs and Patent Appeals

ERRATUM

In the Customs Bulletin of June 19, 1974, Vol. 8, No. 25, page 8, 74-8, 74-15, C.A.D. 1121 should read:

Irving Jaffe, Acting Assistant Attorney General, *Andrew P. Vance*, Chief, Customs Section, *Robert Masters*, for the United States.

also

[Oral argument on April 3, 1974, by Mr. Walsh for appellant, and by Mr. Masters and Mr. Vance for appellee]

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Nils A. Boe

Judges

Paul P. Rao
Morgan Ford
Scovel Richardson
Frederick Landis

James L. Watson
Herbert N. Maletz
Bernard Newman
Edward D. Re

Senior Judges

Charles D. Lawrence
David J. Wilson
Mary D. Alger
Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Abstracts

Abstracted Protest Decisions

DEPARTMENT OF THE TREASURY, July 8, 1974.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P74/494	Ford, J. July 2, 1974	Import Assoc. of America, Inc.	68/82346, etc.	Item 684.70 18% or 12%	Item 685.25 11% or 10%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4405)	San Francisco Earphones imported with radios
P74/495	Ford, J. July 2, 1974	Lafayette Electronics Int'l, Inc., et al.	68/48756, etc.	Item 684.70 18%	Item 685.25 11%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4405)	New York Earphones imported with radios
P74/496	Ford, J. July 2, 1974	Sekiya International New York, Inc., et al.	68/269860, etc.	Item 684.70 15%	Item 685.22 12.5%			General Electric Company v. U.S. (C.D. 8887, aff'd C.A.D. 1021)	New York Earphones
P74/497	Richardson, J. July 2, 1974	Baylis Brothers Co.	67/27063, etc.	Item 682.03 42.5%	Item 897.00 Upon full value of imported article (smocked dress fronts) less cost of value of American components (fabric pieces of dress fronts); no separate values re- turned by customs			U.S. v. The Baylis Brothers Co. (C.A.D. 1026)	San Juan American goods returned (smocked dress fronts)

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P74/498	Richardson, J. July 2, 1974	Halverson, Inc.	72-5-01205	Item 692.35 8%	Item 692.30 Free of duty	official; en- tries returned to district director for purpose of determining value of fab- ric pieces	U.S. v. F. W. Myers & Co., Inc. (C.A.D. 1007)	Sault Ste. Marie (Detroit) A tractor
P74/499	Richardson, J. July 2, 1974	Import Associates of America, Inc.	66/80026	Item 653.40 19%	Item 653.40 11.5%		Ross Products, Inc. v. U.S. (C.A.D. 994) U.S. v. L. Balin & Son, Inc. (C.A.D. 1111)	Los Angeles Bird cages with flowers and lights
P74/500	Richardson, J. July 2, 1974	W. D. Sales Co.	67/23465, etc.	Item 685.90 17.5%	Item 685.70 8.5%		Fedtro, Inc. v. U.S. (C.A.D. 1028)	San Francisco Automobile flasher switches
P74/501	Richardson, J. July 2, 1974	W. D. Sales Co.	67/46388, etc.	Item 685.90 17.5%	Item 685.70 8.5%		Fedtro, Inc. v. U.S. (C.A.D. 1028)	Houston Automobile flasher switches
P74/502	Richardson, J. July 2, 1974	W. D. Sales Co.	66/13737, etc.	Item 685.90 17.5%	Item 685.70 8.5%		Fedtro, Inc. v. U.S. (C.A.D. 1028)	Houston Automobile flasher switches
P74/503	Re, J. July 2, 1974	Delaware Mercantile Co.	71-4-02779	Item 732.36 21%	Item 642.20 13%		Agreed statement of facts	Chicago Caliper brake cables of wire
P74/504	Re, J. July 2, 1974	Fuel Injection Sales & Service, Inc.	66/40631	Item 660.42, 680.37 or 690.94 10%	Item 660.92 6%		Korody-Colyer Corp. v. U.S. (C.D. 4212)	Los Angeles Nozzles for fuel injection pumps

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P74/505	Ford, J. July 3, 1974	Import Assoc. of America et al.	60/19603, etc.	Item 684.70 15%	Item 685.22 12.5%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4403)	San Francisco Earphones imported with radios
P74/506	Ford, J. July 3, 1974	Niehmen Co., Inc., et al.	69/28968(A), etc.	Item 684.70 13% or 12%	Item 685.23 11% or 10%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4403)	New York Earphones imported with radios
P74/507	Ford, J. July 3, 1974	North American Foreign Trading Corporation	67/58725, etc.	Item 684.70 15%	Item 685.22 12.5%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4403)	New York Earphones imported with radios
P74/508	Ford, J. July 3, 1974	North American Foreign Trading Corp. et al.	68/260, etc.	Item 684.70 15%	Item 685.22 12.5%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4406)	San Francisco Earphones imported with radios
P74/509	Ford, J. July 3, 1974	Oriental Exporters, Inc.	66/36822, etc.	Item 684.70 15%	Item 685.22 12.5%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4403)	New York Earphones imported with radios
P74/510	Ford, J. July 3, 1974	Westinghouse Electric Corp. et al.	67/25310, etc.	Item 684.70 15%	Item 685.22 12.5%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4406)	New York Earphones imported with radios
P74/511	Ford, J. July 3, 1974	Westinghouse Electric Corp.	67/78554, etc.	Item 684.70 15% or 13%	Item 685.22 12.5% 11%			Transamerican Electronics Corp. et al. v. U.S. (C.D. 4403)	New York Earphones imported with clock radios

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P74512	Landis, J. July 3, 1974	United China & Glass Co.	64/7659	Par. 212 60% or 45% and 10¢ per doz. pos.	Par. 212 45%	W. Kay Company, Inc. v. U.S. (C.D. 2484) New York Merchandise Co., Inc. v. U.S. (C.D. 3468)	San Francisco Decorated porcelain cups and saucers
P74513	Re, J. July 3, 1974	George S. Bush & Co., Inc., et al.	65/18006, etc.	Item 651.75 At various ad valorem equiva- lent rates as set forth in schedule A, at- tached to deci- sion and judg- ment in column headed Assessed Ad Valorem Equi- valent Rate	Item 651.75 At appropriate specific or compound rate (set forth in schedule in column "Claimed Rate"), the specific rate or specific portion of compound rate being applied once against each tool, knife, fork, spoon or other utensil in the set	Import Associates of Amer- ica et al. v. U.S. (C.A.D. 981)	Seattle Flatware sets
P74514	Re, J. July 3, 1974	Fuel Injection Sales & Service, Inc., et al.	68/14015, etc.	Item 680.54 10%, 9% or 8%	Item 680.52 6%, 5% or 4.5%	Korody-Colyer Corp. v. U.S. (C.D. 4212)	Los Angeles Nozzles for fuel injection pumps
P74515	Re, J. July 3, 1974	Holmar International Corp. et al.	69/71134, etc.	Item 694.70 15%	Item 695.22 12.5%	Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios

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DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P74516	Re, J. July 3, 1974	Holmar International Corp. W. J. Byrnes & Co. of N.Y., Inc., et al.	667847, etc.	Item 684.70 15%	Item 685.22 12.5%			Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios
P74517	Re, J. July 3, 1974	Holmar International Corp. W. J. Byrnes & Co. of N.Y., Inc., et al.	6740468, etc.	Item 684.70 15%	Item 685.22 12.5%			Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios
P74518	Re, J. July 3, 1974	C. Itoh & Co. (America), Inc., et al.	6824004, etc.	Item 772.15 or 774.60 17%, 15%, 13.5%, 11.5%	Item 772.35 12.5%, 11%, 10%, 8.5%			Venellandre Corp. of Amer- ica v. U.S. (C.A.D. 1084)	New York Mattress and pillow covers
P74519	Re, J. July 3, 1974	Korody Colyer Corp.	6953533, etc.	Item 660.54 10%, 9% or 8%	Item 660.92 6%, 5%, or 4.5%			Korody-Colyer Corp. v. U.S. (C.D. 4212)	Los Angeles Nozzles for fuel injection pumps
P74520	Re, J. July 3, 1974	McHutchison & Co., Inc.	6950458, etc.	Item 222.60 23% or 20%	Item 666.00 Free of duty			Agreed statement of facts	New York Horticultural implements used chiefly for hort- icultural purposes
P74521	Re, J. July 3, 1974	North American Foreign Trading Corp.	6776827, etc.	Item 684.70 15% or 13%	Item 685.22 12.5% Item 685.23 11%			Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios

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P74/532	Boe, C. J. July 5, 1974	Adolco Trading Co., Inc.	71-4-00945, etc.	Item 706.60 20%	Item 774.60 11.5% or 10%	Adolco Trading Co. et al. v. U.S. (C.D. 4487)	New York Plastic shopping bags
P74/533	Boe, C. J. July 5, 1974	Adolco Trading Co., Inc.	72-6-01238	Item 706.60 20%	Item 774.60 10%	Adolco Trading Co. et al. v. U.S. (C.D. 4487)	New York Plastic shopping bags
P74/534	Boe, C. J. July 5, 1974	K. Gimbel Incl.	70/24307, etc.	Item 706.60 20%	Item 774.60 13.5% and 11.5%	Adolco Trading Co. et al. v. U.S. (C.D. 4487)	New York Plastic shopping bags
P74/535	Boe, C. J. July 5, 1974	Libbey-Owens Ford Glass Company American Express Co.	67/1560, etc.	Item 632.98 19% Item 674.53 14%	Item 678.50 10%	Pittsburgh Plate Glass Co. v. U.S. (C.D. 4128)	San Francisco Parts of machines, n.a.p.f.
P74/536	Boe, C. J. July 5, 1974	Ohio Bag Corp.	74-3-00705	Item 706.60 20%	Item 774.60 8.5%	Adolco Trading Co. et al. v. U.S. (C.D. 4487)	New York Plastic shopping bags
P74/537	Landis, J. July 5, 1974	Asiatic Petroleum Corp.	66/37032, etc.	Par. 1538 10%	Par. 1723 Free of duty	Asiatic Petroleum Corp. v. U.S. (C.A.D. 1029)	New York Shell Alenia Oil A
P74/538	Landis, J. July 5, 1974	Judson Sheldon Interna- tional Corp.	66/59940, etc.	Item 653.40 19%	Item 688.40 11.5%	Ross Products, Inc. v. U.S. (C.A.D. 994) U.S. v. L. Batlin & Son, Inc. (C.A.D. 1111)	Chicago Bird cages, lanterns or sim- ilar articles with flowers and lights
P74/539	Watson, J. July 5, 1974	J. F. Braun & Sons, Inc., et al.	69/1925, etc.	Item 145.55 15¢ per lb. (entry 52144) Item 145.46 8¢ per lb. (entries 867818, 783460)	Duty should not have been as- sessed on im- ported by the customs inspec- tor as "manif- ested, not found"	Agreed statement of facts	New York Shortage: 66 cases of shelled walnuts (entry 52144); 7 bags of shelled filberts (entry 867818); 80 bags of shelled filberts (entry 783460)

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
F74/530	Watson, J. July 5, 1974	R. J. Saunders & Co., Inc.	60/2313	Par. 307 19%	Par. 303 13 1/4%			R. J. Saunders & Co., Inc. v. U.S. (C.D. 4387)	New York Shaver cases.
F74/531	Re, J. July 15, 1974	Border Brokerage Com- pany, Inc.	70/19113	Item 774.60 13.5%	Item 666.00 Free of duty			Judgment on the pleadings U.S. v. Border Brokerage Company, Inc. (C.A.D. 1058)	Blaine (Seattle) Plastic planting bullet guns
F74/532	Re, J. July 5, 1974	Border Brokerage Co., Inc.	70/27054	Item 774.60 13.5%	Item 666.00 Free of duty			Judgment on the pleadings U.S. v. Border Brokerage Company, Inc. (C.A.D. 1058)	Blaine (Seattle) Plastic planting bullets
F74/533	Re, J. July 5, 1974	Border Brokerage Co., Inc.	70/35082	Item 774.60 11.5%	Item 666.00 Free of duty			Judgment on the pleadings U.S. v. Border Brokerage Company, Inc. (C.A.D. 1058)	Blaine (Seattle) Plastic planting bullets and trays
F74/534	Re, J. July 5, 1974	Border Brokerage Co., Inc.	70/35161	Item 774.60 11.5%	Item 666.00 Free of duty			Judgment on the pleadings U.S. v. Border Brokerage Company, Inc. (C.A.D. 1058)	Blaine (Seattle) Plastic planting bullets and trays
F74/535	Re, J. July 5, 1974	C & M Import & Export Corp. et al.	60/69271, etc.	Item 684.70 15%	Item 683.22 12.5%			Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios

CUSTOMS COURT

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P74/536	Re, J. July 5, 1974	C.M. Import & Export Corp. et al.	67/26725, etc.	Item 684.70 15%	Item 685.22 12.5%	Agreed statement of facts	Chicago Earphones (not head- phones) of a type chiefly used with radios
P74/537	Re, J. July 5, 1974	Marubeni Iida America, Inc.	69/43873	Item 684.70 12%	Item 685.25 10%	Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios
P74/538	Re, J. July 5, 1974	Mercury Radio & Battery Corp. et al.	68/59739, etc.	Item 684.70 13%	Item 685.25 11%	Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios
P74/539	Re, J. July 5, 1974	Mitsubishi International Corp.	68/46476, etc.	Item 684.70 15%	Item 685.22 12.5%	Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios
P74/540	Re, J. July 5, 1974	Montgomery Ward & Co. et al.	68/60003, etc.	Item 684.70 13%	Item 685.25 11%	Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios
P74/541	Re, J. July 5, 1974	Oriental Exporters, Inc., et al.	66/15364, etc.	Item 684.70 15%	Item 685.22 12.5%	Agreed statement of facts	New York Earphones (not head- phones) of a type chiefly used with radios

CUSTOMS COURT

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P74/542	Re. J. July 5, 1974	J.T. Steeb & Co.	62/11846, etc.	Par. 412 16 2/3%	Par. 1808(1) Duty free but with assess- ment of tax under sec. 4551 (1), I.R.C. 1954, as modified, at \$1.50 per 1000 Ft. board measure	Item 685.22 12.5%	Border Brokerage Co. et al. v. U.S. (C.D. 2461)	Portland, Oreg. Lauan lumber	
P74/543	Re. J. July 5, 1974	Z & T Importing Co., Inc., et al.	66/64342, etc.	Item 664.70 15%		Item 685.22 12.5%	Agreed statement of facts	New York Earphones (not phones) of a type chiefly used with radios	

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DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	UNIT OF VALUE	BASIS	PORT OF ENTRY OR MERCHANDISE
R74/266	Richardson, J. July 2, 1974	F & D Trading Corp.	72-6-01462	Cost of production	Appropriate value listed on schedule, attached to decision and judgment, in column designated "Claimed Value"	U.S. v. F & D Trading Corp. (C.A.D. 189)	New York Various model Volkswagen automobiles
R74/267	Re, J. July 5, 1974	Consolidated Merchandising Corp.	71-12-02106	Constructed value	As set forth in schedule annexed to decision and judgment Protest: 2704-1-002694 (Los Angeles) not included is submission; dismissed	Agreed statement of facts	Los Angeles; San Francisco Solid-state (tubeless) radio receivers, or combination articles containing such receivers, together with batteries, and/or earphones, and/or other accessories
R74/268	Re, J. July 5, 1974	New York Merchandise Co., Inc.	R66/14336	Export value; Appraised value less the buying commissions shown on said invoices	Not stated	Agreed statement of facts	Los Angeles Radios, tape recorders and similar merchandise

Appeal to United States Court of
Customs and Patent Appeals

APPEAL 75-1.—United States v. Oxford International Corp.—
BICYCLE MIRRORS (“MIRROR HEAD” AND “MOUNTING BRACKET”)—
ENTIRETIES—MIRRORS—PARTS OF BICYCLES—TSUS.
Appeal from C.D. 4540.

In this case, bicycle mirrors (each mirror consisting of a glass reflecting surface known as a “mirror head” and a rod and clamps that constitute the “mounting bracket”) were assessed at 35 percent ad valorem under item 544.51, Tariff Schedules of the United States, as mirrors, made of any of the glass described in items 541.11 through 544.41, with or without frames or cases, not over 1 square foot in reflecting area. Plaintiff-appellee contested the classification and claimed that the bicycle mirrors were more than the mirrors described in item 544.51, and that, as an entirety, they were properly dutiable at 30 percent under item 732.36 as parts of bicycles. Plaintiff claimed alternatively that if the court were to decide that the importation was not classifiable as an entirety, then the mirror and frame, i.e., the “mirror head,” and the rod and clamps, i.e., the “mounting bracket,” should be held dutiable separately as follows: the “mirror head” or mirror portion under item 544.51, *supra*; and the “mounting bracket” or bracket portion at 19 percent under item 657.20 as articles of steel, not specially provided for. The court sustained plaintiff’s claim for classification under item 732.36, *supra*.

It is claimed that the Customs Court erred in finding and holding that the entirety before the court is more than a mirror classifiable under item 544.51, *supra*, by virtue of the presence of the mounting bracket portion of the mirror in the importation; in finding and holding that the mounting bracket portion of the imported merchandise is more than a part of the mirror before the court; in finding and holding that the importation is a different and separate commercial unit than that classifiable under item 544.51; in finding and holding that the importation is properly classifiable under item 732.36, *supra*; in not finding and holding that the importation is a commercial unit classifiable under item 544.51; and in finding and holding that bicycle mirrors are not classifiable under item 544.51.

Tariff Commission Notices

Investigations by the United States Tariff Commission

DEPARTMENT OF THE TREASURY, July 11, 1974.

The appended notices relating to investigations by the United States Tariff Commission are published for the information of Customs Officers and others concerned.

VERNON D. ACREE,
Commissioner of Customs.

[TEA-F-63]

PETITION OF JOHN SWENSON GRANITE, INC., FOR A DETERMINATION UNDER SECTION 301(c) (1) OF THE TRADE EXPANSION ACT OF 1962

Notice of investigation and hearing

On the basis of a petition filed under section 301(a) (2) of the Trade Expansion Act of 1962 on behalf of the John Swenson Granite Co., Inc., Concord, New Hampshire, the United States Tariff Commission, on July 5, 1974, instituted an investigation under section 301(c) (1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with manufactured granite (of the types provided for in item 513.74 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., E.D.T. on August 2, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C. Requests for appearances at the hearing should be filed with the Secretary of the Commission, in writing, at his office in Washington, D.C., no later than noon, Friday, July 26, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets,

N.W., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission:

G. PATRICK HENRY,
Acting Secretary.

Issued July 8, 1974.

[AA1921-105A]

NORTHERN BLEACHED HARDWOOD KRAFT PULP FROM CANADA

Notice of investigation and hearing

Having received on June 26, 1974, advice from the Treasury Department that it affirms its determination that prime-grade and off-grade northern bleached hardwood kraft pulp from Canada is being and is likely to be sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended, published in the *Federal Register* of June 28, 1974 (39 F.R. 24032), the United States Tariff Commission has instituted an investigation to determine whether, if the finding of dumping were revoked, an industry in the United States would be or would likely be injured by reason of the importation of such pulp into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C., beginning at 10 a.m., E.D.T. on August 6, 1974. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, August 1, 1974.

By order of the Commission:

G. PATRICK HENRY,
Acting Secretary.

Issued July 9, 1974.

(TEA-F-64)

PETITION OF THE WINIG SHOE CORPORATION FOR A DETERMINATION UNDER SECTION 301(c) (1) OF THE TRADE EXPANSION ACT OF 1962

Notice of investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of The Winig Shoe Corporation, Gloversville, New York, the United States Tariff Commission, on July 10, 1974, instituted an investigation under section 301(c) (1) of said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.43, 700.45 and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the *Federal Register*.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By Order of the Commission:

G. PATRICK HENRY,
Acting Secretary.

Issued July 11, 1974.

[337-L-73]

CERTAIN HYDRAULIC TAPPETS, II

Notice of complaint received

The United States Tariff Commission hereby gives notice of the receipt on June 18, 1974, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Eaton Corporation, of Cleve-

land, Ohio, alleging unfair methods of competition and unfair acts in the importation or sale of certain hydraulic tappets:

- (a) by virtue of their being covered by the claims of U.S. Patent No. 3,448,730, owned by the complainant

also

- (b) by virtue of palming off the imported tappets.

The complaint names Welles Manufacturing Corporation and Power Industries, both of Union and Ludlow Streets, Northvale, New Jersey, as either importing or offering for sale the subject products.

In accordance with the provisions of section 203.3 of its Rules of Practice and Procedure (19 C.F.R. 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion order from entry under section 337 (f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C. 20436, and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than August 1, 1974. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown therefor. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

By order of the Commission:

G. PATRICK HENRY,
Acting Secretary.

Issued July 11, 1974.

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